

## **MINUTES**

### **June 6, 2006**

The State Board of Registration for Professional Engineers and Land Surveyors met on June 6, 2006 in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

#### **BOARD MEMBERS PRESENT:**

E. Charles Vickery, PE - Chairman  
Doris I. Willmer, PE, Vice-Chairperson  
Guy F. Ritter, PE  
Mark E. Chastain, LS  
E. Scott Evans, Public Member  
Stephen R. Richards, PE  
Elmo A. Richardson, Jr., PE,LS (joined meeting at 1:00 pm)

#### **BOARD MEMBERS ABSENT:**

William W. Dean, PE

#### **STAFF PRESENT:**

J. Darren Mickler – Board Executive Director  
Julie Busbee – Board Secretary/Application Specialist  
Vivian Stephens – Application Specialist  
Sharon Harrison – Compliance Secretary

#### **ATTORNEY GENERAL REPRESENTATIVE:**

Patricia Downing, Senior Assistant Attorney General

#### **GUESTS PRESENT:**

Hardwick Butler, representing Surveying and Mapping Society of Georgia (SAMSOG)

#### **Call to order:**

Chairman Vickery called the meeting to order at 9:34 am. Mr. Vickery asked for any additions or deletions to the proposed agenda. Mr. Ritter moved to adopt the agenda as amended. Mr. Chastain seconded. Motion carried.

#### **Approval of Minutes:**

Chairman Vickery presented a draft of the May 9, 2006 minutes and asked for any additions or deletions. Mr. Chastain moved to adopt the minutes as written. Ms. Willmer seconded. Motion carried.

### **Professional Societies and Guests:**

Mr. Butler gave an update report on the distance learning program for land surveying at Middle Georgia College.

### **Executive Director's Report:**

Mr. Mickler reminded Board members that the exam application deadline was June 1. The next Board meeting will be July 25.

### **Old Business:**

### **Task Force Reports:**

Ms. Willmer announced that the Coalition is going to be making a progress report at the Annual Meeting on June 16 at Sawgrass and have invited her to be on a discussion panel.

### **Board Rule 180-3-.02:**

Mr. Chastain moved to amend Board Rule 180-3-.02, as it pertains to Qualifications: Professional Engineer and Engineer-in-Training Experience, as follows:

*In evaluating experience offered as qualifying experience under O.C.G.A. 43-15-8, **43-15-9** and 43-15-10, the Board will take into consideration the following six (6) factors:*

*(a) Prior Education. The Board will take into consideration the applicant's education at the time the pertinent experience was acquired with the basic view that prior education determines the value of the experience.*

*(b) Kind of Experience. The experience should involve the application of special knowledge of the mathematical, physical, and engineering sciences; the preparation of engineering data; the interpretation of engineering data; and the involvement in engineering supervision of construction.*

*(c) Quality. The experience should, by progression in difficulty and magnitude, demonstrate that the applicant has acquired ability to design and apply engineering principles and that his/her judgement may be trusted on projects involving public health and safety.*

*(d) Scope. The experience should demonstrate sufficient breadth and scope within the field selected rather than narrowly focused technical skill within the field.*

*(e) Progression. The record of work experience should indicate progression from initial work of simple character to recent work of greater difficulty, complexity and responsibility.*

*(f) Capacity and Viewpoint. The record of experience should indicate that the applicant has attained to a considerable degree those attributes of clear thinking and analysis essential to competence.*

Ms. Willmer seconded. Motion carried.

Mr. Ritter moved that the formulation and adoption of Board Rule 180-3-.02 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A. § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Ms. Willmer seconded. Motion carried.

### **Board Rule 180-11-.03:**

Mr. Chastain moved to amend the language of Board Rule 180-11-.03, as it pertains to Continuing Education requirements, as follows:

*(1) Professional Engineers. Every professional engineer is required to obtain thirty (30) PDH's each twenty-four (24) month (Biennial) renewal period. If a professional engineer exceeds the requirements in any biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent renewal period.*

*(2) Land Surveyors. Every land surveyor is required to obtain fifteen (15) PDH's each twenty-four (24) month biennial renewal period. In addition, every land surveyor must ensure that, once every five (5) years, at least six (6) PDH's in "Minimum Technical Standards" be included in their PDH's acquired. If a land surveyor exceeds the requirements in any biennial period, a maximum of seven and one-half (7.5) PDH's may be carried forward into the subsequent renewal period.*

*(3) Dual Registrants. The person with a dual license is required to obtain thirty (30) PDH units for a twenty-four (24) month (Biennial) renewal period. If a dual registrant exceeds the requirement in any Biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent renewal period. At least one-third (1/3) of the PDH's in a renewal period must be obtained in engineering, and one-third (1/3) in surveying. The remaining units may be in either field, at the discretion of the registrant.*

*(4) PDH's may be earned as follows:*

*(a) Successful completion of college courses.*

*(b) Successful completion of continuing education courses.*

*(c) Successful completion of correspondence, televised, videotaped, audiotaped, and other short courses/tutorials taken for the purpose of maintaining, improving, or expanding the skills and knowledge relevant to the land surveyor's or professional engineer's practice.*

*(d) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences which are relevant to the land surveyor's or professional engineer's practice.*

*(e) Teaching or instructing in any area relevant to the land surveyor's or professional engineer's practice.*

- (f) *Authoring published papers, articles, or books in any area relevant to the land surveyor's or professional engineer's practice.*
- (g) *Active participation in professional or technical societies. (For professional engineers only)*
- (h) *Receiving patents in any area relevant to the land surveyor's or professional engineer's practice.*
- ~~(5) *Sponsor Forms. Organizations or individuals that provide continuing education must complete the "Sponsor Form" available from the Board.*~~

Ms. Willmer seconded. Motion carried.

Mr. Ritter moved that the formulation and adoption of Board Rule 180-11-.03 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A. § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Ms. Willmer seconded. Motion carried.

### **Board Rule 180-8-.01:**

#### ***Revisions to Board Rule 180-8-.01 Reinstatement of Expired Licenses:***

There was general discussion regarding what information would be required for reinstatement. Mr. Mickler reported that he had polled all the state Boards to see what they require and there were a variety of answers.

Ms. Ritter moved to amend and post the Board Rule 180-8-.01 regarding Reinstatement of Expired Licenses as follows:

1. *A certificate of registration which has been administratively revoked for having been expired for greater than four (4) years may be reinstated at the discretion of the Board.*
2. *The applicant must complete the reinstatement application and include a summary of all experience since the date of the applicant's last renewal of Georgia licensure as a Professional Engineer or Land Surveyor with accompanying experience endorsements for each engagement from professionals who are familiar with the experience provided.*

3. *Applicant must include the reinstatement application fee, and upon final Board review, all other fees as provided to reinstate license registration.*

Ms. Willmer seconded. Motion seconded.

Mr. Ritter moved that the formulation and adoption of Board Rule 180-8-.01 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A. § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Ms. Willmer seconded. Motion carried.

Ms. Willmer presented a draft of a new reinstatement application. Copies were distributed for Board and staff review.

#### **New Business:**

##### **Foreign Education Evaluations:**

Mr. Mickler presented a copy of evaluations from Foreign Credentials Services of America (FCSA), SpanTran and AACRAO for Board review. Ms. Willmer moved to accept evaluations from FCRA and AACRAO. Mr. Chastain seconded. Motion carried.

#### **Executive Session:**

**At 10:15 am, Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Ms. Willmer seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Richards, Mr. Evans, Mr. Chastain, Ms. Willmer, and Mr. Ritter.**

**Reconvened Open Session at 11:35 am with the following Board members present - Chairman Vickery, Mr. Richards, Mr. Evans, Mr. Chastain, Ms. Willmer, and Mr. Ritter.**

#### **Investigations and Complaints:**

PELS040025 – After discussion of Peer Review, Mr. Ritter moved to direct Legal Services to send Consent Order again to Respondent for sign. If Respondent does not sign, then case

will be forwarded to the Attorney General's office. Ms. Willmer seconded. Motion carried.

PELS060057 – This case involved allegations of unlicensed practice of Professional Engineering. Ms. Willmer moved to close case with no action. Mr. Ritter seconded. Motion carried.

PELS060030 – This case involved a firm with unlicensed practice of PE. Mr. Chastain moved to issue a Certificate of Authorization letter with \$500 penalty. Ms. Willmer seconded. Motion carried.

PELS060061 – This case involved allegations of unethical conduct of PE. Ms. Willmer moved to close case as a civil matter. No action. Mr. Ritter seconded. Motion carried.

PELS060062 – This case involved a Professional Engineer with felony of drug possession, under First Offender Act. Mr. Ritter moved to issue a Consent Order with Public Reprimand, \$500 penalty and probation for period of felony probation. Mr. Evans seconded. Motion carried.

PELS050105 – This case involved allegations of unprofessional conduct regarding gross negligence in the practice of professional engineering. Mr. Ritter moved to close case with no action. Ms. Willmer seconded. Motion carried.

PELS060063 – This case involved a firm offering to practice engineering without a Certificate of Authorization. Ms. Willmer moved to close case as a civil matter. Mr. Ritter seconded. Motion carried.

PELS060068 – This case involved unlicensed practice of professional engineering by a home inspector. Ms. Willmer moved to issue a Voluntary Cease and Desist Order. Mr. Ritter seconded. Motion carried.

PELS060073 – This case involved fraudulent use of a Professional Engineer seal. Ms. Willmer moved to issue a Voluntary Cease and Desist Order and refer this case file to the Carroll County District Attorney. Mr. Chastain seconded. Motion carried.

PELS050066 – This case involved a Land Surveyor assisting unlicensed practice. Mr. Chastain moved to send a Voluntary Surrender Order to Respondent. Mr. Ritter seconded. Motion carried.

Mr. Ritter moved to release probation status on James Purdy, PE009034. Mr. Chastain seconded. Motion carried.

### **Board Memo Comity Model Law Applicants:**

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering

(EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

31118 Barrett, Bart B	31119 Brannon, Calvin T.	31120 Gualtieri, William K.
31121 Kercksmar, Christopher C.	31122 Pond, David L.	31123 Rice, Gregory C.
31124 Riggs, Kevin E.	31125 Ross, Robert W.	31126 Stelly, Daniel J.
31128 Albertin, Christine D.	31129 Perry, Jeromy T.	31130 Setele, Mark
31131 Krick, Kevin R.	31132 Doser, David A. II	31133 Jedrich, Christopher J B
31134 Price, Stanley D.	31135 Viers, Robert D.	31136 Putnam, Carl M.
31137 Bandwen, Michael A.	31138 Farr, Adrian L.	31139 Ogden, Joseph C.
31140 Roth, James T.	31141 Garick, Christopher A.	31142 Amick, Steven R.
31143 Bradley, Bruce A.	31144 Focht, Edward A.	31145 Caldwell, Thomas S.
31146 Garcia, Frank H.	31147 Hulsey, William E.	31148 Hunter, Jennifer L.
31149 Keena, Kenneth R.	31150 Lobdell, John E.	31151 Marchetti, Anthony R.
31152 Prather, Reece A.	31153 Schreck, David A.	31154 Shealy, Benjamin L.
31155 Vincent, Derrick, D.	31156 Felner, Greg T.	31157 MacDonald, Ian R.
31158 Mehrnama, Kaveh	31159 Moomau, Frederick B.	31160 Traverso, Gerardo
31161 Lapointe, John G.	31162 Williams, Jason E.	31163 Ali, Mir Q.
31164 Knochel, James A.	31165 Rainwater, Chester B III	31166 Hein, Jay D.

Motion was made by Ms. Willmer to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Mr. Chastain. The motion carried.

### **Applications for Regular Applicants Seeking Certification as an Engineer-In-Training by Exam:**

Applicants for certification as an Engineers-in-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of their having received their degrees, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or substantive reasons, and who comply in every way with the provisions of the appropriate law(s), are as follows:

Anenih, Amos E.	Anselm, Eugene Crispin	Atalay, Fikret
Bell, Tiara C.	Blackston, Steven Joel	Bowens Jeffery James
Bunner, Ben D.	Burge Jr, Leonard	Chan, Wai Ling
Curlee Jr, James Edward	Dao, Rupak kumar	Drewry, David James
Killingbeck II, Edmond Cecile	Lowe Miranda Jeanne	Majmundar, Arpan Ramesh
Martin, Edgar R.	Martin, Jonathan C.	Oswald, Travis Alan
Santos, Olderlan Alves	Sirman, Donald Christian	Walker, Constance Rochelle
Wesley, Roy Steven	Yeargan III, Edmund L.	Wilkinson, Eric Ryan
Yee, Victor Manuel		

Motion was made by Mr. Ritter to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Ms. Willmer. The motion carried.

**Reinstatements:**

Mr. Ritter moved to reinstate Gary Dernlan, PE019819. Mr. Evans seconded. Motion carried.

Ms. Willmer moved to reinstate Kenneth L. Shappley, PE016954 and William H. Henderson, PE012442. Mr. Ritter seconded. Motion carried.

**Executive Session:**

**At 1:10 pm, Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Chastain seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Richards, Mr. Richardson, Mr. Evans, Mr. Chastain, Ms. Willmer, and Mr. Ritter.**

**Reconvened Open Session at 1:45 pm with the following Board members present - Chairman Vickery, Mr. Richards, Mr. Richardson, Mr. Evans, Mr. Chastain, Ms. Willmer, and Mr. Ritter.**

Mr. Ritter moved to ratify all recommendations he made regarding applications to be considered under 43-15-9(3) and 9(4) that were discussed during Executive Session. Mr. Richardson seconded. Motion carried.

Ms. Willmer moved to ratify all recommendations she made regarding applications to be considered under 43-15-9(3) and 9(4) that were discussed during Executive Session. Mr. Richardson seconded. Motion carried.

Mr. Mickler reported to the Board that the old applications of college seniors, who are allowed to take the exam and never send their transcripts to become certified, may be destroyed after a period of holding time. Mr. Ritter moved to require applicants to provide Engineer-in-Training exam information if their old application has been destroyed. Mr. Richardson seconded. Motion carried. Mr. Mickler will draft a proposed Board policy for Board review.

**At 1:50 pm, Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications, enforcement and litigation matters and to receive information on complaints and investigative reports. Mr. Chastain seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Richards, Mr. Richardson, Mr. Evans, Mr. Chastain, Ms. Willmer, and Mr. Ritter.**



**Reconvened Open Session at 2:15 pm with the following Board members present - Chairman Vickery, Mr. Ritter, Mr. Richards, Mr. Richardson, Mr. Evans, Mr. Chastain and Ms. Willmer.**

Mr. Ritter moved to ratify all recommendations he made regarding applications to be considered under 43-15-9(3) and 9(4) that were discussed during Executive Session. Ms. Willmer seconded. Motion carried.

Mr. Chastain moved to transmit all case file information for Case PELS050062 to the Whitfield County District Attorney.

There being no further business, at 2:18 pm, Mr. Ritter moved to adjourn. Mr. Richardson seconded. Motion carried. Some Board members remained to review applications until they were finished.

---

Board Chairman

---

Division Director

6June06.doc

These minutes were approved at the July 25, 2006 meeting.